

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Clifton Daryl Ray Liewald,)	Civil Action No.: 8:16-cv-00859-RBH-JDA
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Warden McFadden, Capt. Brightharp,)	
Lt. R. Cooper, Capt. Thomas, Tamara)	
Ravenell, Sherisse Burch, Nurse Holcomb,)	
Armand Cole, Major Ford, Major Nettles,)	
and Christine Long,)	
)	
Defendants.)	
)	

Plaintiff Clifton Daryl Ray Liewald, a state prisoner proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983 against the above-captioned Defendants. The matter is before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. See R & R, ECF No. 120. The Magistrate Judge recommends that the Court find as moot the following three motions: (1) Plaintiff's motion for summary judgment, (2) Defendants' motion to dismiss or, in the alternative, for summary judgment, and (3) Plaintiff's motion to strike. R & R at 3-4.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit

the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No parties have filed objections to the R & R, and the time for doing so has expired.¹ In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error and hereby adopts and incorporates by reference the R & R [ECF No. 120] of the Magistrate Judge. Accordingly, the Court **FINDS AS MOOT** (1) Plaintiff's motion for summary judgment [ECF No. 79], (2) Defendants' motion to dismiss or, in the alternative, for summary judgment [ECF No. 90], and (3) Plaintiff's motion to strike [ECF No. 97] and therefore **DENIES** these three motions. The Court **RECOMMITS** this matter to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

Florence, South Carolina
April 24, 2017

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

¹ Defendants' objections were due by March 31, 2017, and Plaintiff's objections were due by April 3, 2017. *See* ECF No. 120.